

Applicants: SMOLYAR, Lev, et al.
Serial No.: 09/966,753
Filed: October 1, 2001
Page 7

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JAN 17 2007

REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the following remarks.

Telephone Interview

Applicants are grateful to the Examiner for conducting a telephone interview with Applicants' representative Caleb Pollack, registration number 37,912, on January 16, 2007, regarding the 35 U.S.C. § 101 rejection of Claims 14-28. The amendments made to Claim 14 in this submission are in accordance with the interview discussion, during which amendments to Claims 14-28 were discussed that would overcome the rejection pending a further review by the Examiner.

Remarks to the Specification

Applicants have amended the specification to include Claim 14 of the application as originally filed. Applicants respectfully assert that the amendment to the specification adds no new matter.

Status Of Claims

Claims 1-28 and 30 are pending in this application. Claims 14, 16, and 26 have been amended. It is respectfully submitted that no new matter has been added.

Claim Rejections

35 U.S.C. § 101 Rejections

In numbered paragraphs 2-3 on page 2 of the Office Action, the Examiner rejected Claims 14-28 under 35 U.S.C. § 101 asserting that the claimed invention is directed to non-statutory subject matter.

As discussed in the telephone interview, Claim 14 has been amended to include language to clarify an embodiment of the invention. It is respectfully submitted that, as amended, Claim 14 and the claims dependent therefrom are directed to statutory subject matter. The rejection of Claims 14-28 under 35 U.S.C. § 101 is therefore requested to be

Applicants: SMOLYAR, Lev, et al.
Serial No.: 09/966,753
Filed: October 1, 2001
Page 8

withdrawn.

35 U.S.C. § 112 Rejections

In numbered paragraphs 4-6 on page 2 of the Office Action, the Examiner rejected Claims 26-27 under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis for the term "said step of generating" in Claim 26, line 1. Applicants respectfully request that the rejection under 35 U.S.C. § 112 be withdrawn in view of the remarks that follow.

Amended Claim 26 depends from amended Claim 14 which includes "An article comprising a computer readable storage medium having encoded thereon instructions, that, when executed by a computing platform, cause the computing platform to generate direction metrics". Amended Claim 26 includes "The article according to claim 14, wherein said generating of direction metrics includes the step of time averaging said direction metrics by summing consecutive direction metrics". It is therefore respectfully submitted that, as amended, the limitations in Claim 26, and Claim 27 which depends therefrom do not lack antecedent basis. The rejection under 35 U.S.C. § 112 is therefore requested to be withdrawn.

35 U.S.C. § 102 Rejections

In numbered paragraphs 7-8 on pages 3-5 of the Office Action, the Examiner rejected Claims 1-3, 5, 9-16, 18, 22-25, 28 and 30 under 35 U.S.C. § 102(e) as being anticipated by Ono (US Patent No. 5,999,560). Applicants respectfully traverse the rejections of these claims under 35 U.S.C. § 102(e) in view of the remarks that follow.

Claim 1 includes "a direction metric determiner which generates direction metrics of each of a set of possible directions of joint movement of at least two fingers of a finger block of the rake receiver; [and] a metric selector which selects one of said direction metrics according to a predetermined criterion". It is respectfully submitted that Ono does not teach these features.

In contrast, in Col. 4, Lines 24-31, Ono teaches "[T]he first-branch and the second-branch delay profile calculating units 310 and 320 calculate first-branch and

Applicants: SMOLYAR, Lev, et al.
Serial No.: 09/966,753
Filed: October 1, 2001
Page 9

second-branch delay profiles, respectively, by the use of a replica transmission signal. Each of the first-branch and the second-branch delay profiles is represented by a correlation power level of the replica transmission signal and each of the first-branch and the second-branch reception signals”.

As is well known in the art, a channel (transmission medium) with multi-path reflections may have an impulse response which resembles a series of pulses spread out over time. In order to categorize the relative power of these pulses, a “delay profile” may be created which may be the average power received over the channel within the interval $T + dT$ for all T . T may be defined as the range of time during which multi-path reflections with significant energy arrive on the channel. For example, see JPL's Wireless Communication Reference Website (<http://wireless.per.nsl/reference/chaptr03/fading/delayspr.htm>, © 2004 Dr. Jean-Paul Linnartz).

Applicants assert that Units 310 and 320 of Ono are not a “direction metric determiner”, an example of which is given in Applicants’ specification on Page 9, Lines 9-10, as generating “direction metrics of each of a set of possible directions of joint movement of the fingers of the finger block”. An example of a direction metric is given in Applicants’ specification on Page 16, Lines 13-15, as values which are “assigned to each of the possible movement directions, using measurements of the delayed versions of the data of the fingers of the finger block.” Units 310 and 320 of Ono instead generate delay profiles which as discussed above are substantively different than the claimed direction metrics.

Amended Claim 14 and Claim 30 include generating direction metrics for each of a set of possible directions of joint movement of at least two fingers of a finger block of a rake receiver. It is respectfully submitted that Ono does not teach this feature.

In contrast, Ono never teaches generating direction metrics for each of a set of possible directions of joint movement of at least two fingers of a finger block as explained above in the discussion of Claim 1.

It is therefore respectfully submitted that Claim 1 and amended Claim 14, Claims 2-13 and 15-28 dependent therefrom respectively, and Claim 30 are not anticipated by Ono. The rejection of Claims 1-3, 5, 9-16, 18, 22-25, 28 and 30 under 35 U.S.C. § 102(e) as being anticipated by Ono is therefore requested to be withdrawn.

Applicants: SMOLYAR, Lev, et al.
Serial No.: 09/966,753
Filed: October 1, 2001
Page 10

35 U.S.C. § 103 Rejections

In numbered paragraphs 9 and 10 on pages 5-6 of the Office Action, the Examiner rejected Claims 4 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ono in view of La Rosa et al. (US Patent No. 6,078,611). Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) in view of the remarks that follow.

Claim 4 and amended Claim 17 depend from Claim 1 and amended Claim 14 respectively which as discussed above are allowable over Ono. It is respectfully submitted that the addition of the teachings of La Rosa does not cure the deficiencies of Ono. Therefore, it is submitted that Claim 4 and amended Claim 17 are patentable.

In numbered paragraph 11 on page 6 of the Office Action, the Examiner rejected Claims 6-8 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Ono. Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) in view of the remarks that follow.

Each of Claims 6-8 and 19-21 depend from one of Claim 1 and amended Claim 14. As discussed above Claim 1 and amended Claim 14 are allowable over Ono. Therefore, it is respectfully submitted that Claims 6-8 and 19-21 are patentable.

In numbered paragraph 12 on pages 6-7 of the Office Action, the Examiner rejected Claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Ono in view of Komatsu (US Patent No. 6,144,860). Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) in view of the remarks that follow.

Amended Claim 26 and Claim 27 depend from amended Claim 14 which as discussed above is allowable over Ono. It is respectfully submitted that the addition of the teachings of Komatsu does not cure the deficiencies of Ono. Therefore, it is submitted that amended Claim 26 and Claim 27 are patentable.

Applicants respectfully request that the Examiner withdraw the rejection of Claim 4 and amended Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Ono in view of La Rosa et al., the rejection of Claims 6-8 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Ono and the rejection of amended Claim 26 and Claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Ono in view of Komatsu.

Applicants: SMOLYAR, Lev, et al.
Serial No.: 09/966,753
Filed: October 1, 2001
Page 11

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JAN 17 2007

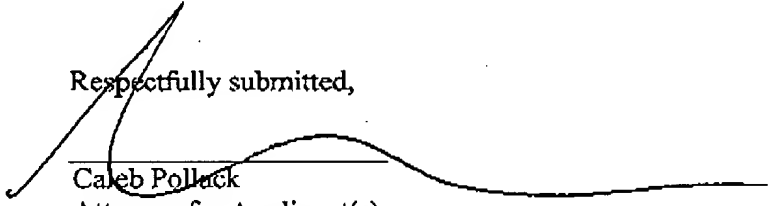
CONCLUSION

In view of the foregoing amendments and remarks, and for at least the reasons discussed above, Applicants respectfully submit that Claims 1-28 and 30 are deemed allowable. Their favorable reconsideration and allowance is respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

No fees are believed to be due in connection with this paper. However if any such fees are due, please change any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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